

REMARKS

INTRODUCTION

Claims 1-10 were previously pending and under consideration.

Claim 11 is added herein.

Therefore, claims 1-11 are now pending and under consideration.

Claims 1-10 are rejected.

Claims 1 and 10 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in

the Advisory Action.

REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH

In the Office Action, at page 2, claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. Appropriate correction has been made. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 2-6, claims 1-10 were rejected under 35 U.S.C. § 103 as being obvious in view of Brown. This rejection is traversed and reconsideration is requested.

As discussed below, Brown is distinguishable from the present claims because Brown lacks (1) a system of cooperating object-oriented data structures, (2) a system of objects where any object can automatically request a task from other objects and can use bid responses to automatically determine which object should perform the task, and (3) automated bidding.

First, according to amended claim 1, the context of the claimed invention is clarified in that the objects are object-oriented data structures. Brown is not an object-oriented system with cooperating object-oriented data-structures.

Second, the preamble of claims 1 and 10 are amended to clarify an overall effect of the objects as a group. The overall effect is completely absent from Brown. Where similarly configured entities (e.g. clients, agents, objects, etc.) cooperate on a network, it is sometimes difficult to understand the overall behavior of the entities/objects as a whole based only on the description of one member of the group (e.g. one object). The preamble additions recite natural results that occur when objects configured like the representative object cooperate.

To further elaborate, the representative object of claims 1 and 10 has features to allow it to function at one time as an object initiating a task and making a request, and at another time to function as an object bidding on - and potentially processing for - another object's request for a task.

Third, the amended claims clarify the bid feature. The Examiner noted that the claims do not recite "automatically" bidding. This is a clear distinction over Brown. Applicant believed that the recitation of a "bidding portion" sending a bid clearly implied automated bidding. However, to clarify the present bidding feature, claims 1 and 10 are amended to recite that "the bidding message is a bid for the object to process the requested task", and the bidding message is automatically generated by the bidding portion. Furthermore, the new preambles of claims 1 and 10 also recite and reinforce automatic bidding and using bid messages to determine which one of the other objects is to accomplish the task.

Withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 2 recites "wherein the bid awarding portion uses, as one bid determining parameter, a communication time that is necessary for communication between the task initiator object and the objects sending the bidding message, and preferentially awards a bid to an object that has a short communication time between objects". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

NEW CLAIM 11

New claim 11 is relates to a system of cooperating objects that are similar in purpose to the object of claim 1, for example. Three objects are used to clarify an aspect of making and accepting bids.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the

application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 30 August 2004

By: James T. Strom
James T. Strom
Registration No. 48,702

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on August 30, 2004
STAAS & HALSEY
By: J. Strom
Date: 30 Aug 2004